

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EBONY CHERELLE TAFOYA,

Defendant.

CR 19–24–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on January 9, 2020. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Ebony Cherelle Tafoya’s guilty plea after Tafoya appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession with intent to distribute

methamphetamine in violation of 21 U.S.C. § 841(a)(1), as set forth in Count II of the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I and III of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 38), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Ebony Cherelle Tafoya's motion to change plea (Doc. 28) is GRANTED and Ebony Cherelle Tafoya is adjudged guilty as charged in Count II of the Indictment.

DATED this 24th day of January, 2020.



Dana L. Christensen, Chief District Judge
United States District Court